

(rev. 11/06/96)

## ATTACHMENT 4.19-A

7. Claims for payment shall be submitted following discharge of a patient, except as follows:
  - a. Claims for nonpsychiatric inpatient stays which exceed the Outlier Threshold (Section I.D.34.), shall be submitted in accordance with Section IV.D.
  - b. If a patient is hospitalized in the freestanding rehabilitation hospital for more than 30 days, the facility may submit an interim claim for payment every 30 days until discharge. The final claim for payment shall cover services rendered on all those days not previously included in an interim claim.
8. The prospective payment rates shall be paid in full for each Medicaid discharge. Hospitals may not separately bill the patient or the Medicaid program for medical services rendered during an inpatient stay, except for outlier payments and as provided in Section I.E. below.
9. At the point that a patient reaches the Outlier Threshold (Section I.D.34.), the facility is eligible for interim payments computed pursuant to Section IV.D.

**TN No. 94-006**  
**Supersedes**  
**TN No. 93-009**

Approval Date

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ATTACHMENT 4.19-A

**VIII. PUBLIC PROCESS**

The State has in place a public process which complies with the requirements of Section 1902(a)(13)(A) of the Social Security Act.

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**TN No. 98-005****Supersedes****Approval Date \_\_\_\_\_ Effective Date 7/01/98****TN No. 94-006**

ATTACHMENT C  
CHILDREN AND YOUTH PROJECT  
Services Available

1. To any child (birth to 16 years) living in Waimanalo:
  - a. Preventive health services including screening, immunizations, routine examinations and evaluations, and parental education in child care and homemaking.
  - b. Total health assessment, including medical, psychological\*, speech-hearing, visual, dental, social\*, nursing, nutritional, and homemaking components\*.
  - c. All diagnostic studies needed for assessment and diagnostic, whether done at the Project or through referral elsewhere.
2. To any financially eligible child (birth to 16 years) living in Waimanalo, in addition to the above:
  - a. Medical, surgical and psychiatric treatment.
  - b. Inpatient hospital care; blood and special nursing\* if necessary.
  - c. Psychological therapy and guidance\*.
  - d. Speech therapy.
  - e. Dental care, excluding only orthodontia.
  - f. Drugs, prosthetics, appliances, blood and the like.
  - g. Public health nursing, nutrition service and social casework to complement the above, and to supplement services available from other agencies.
  - h. Transportation for health care when not available otherwise (within budget limitations).
  - i. Babysitting at the Project when necessary to achieve a visit for medical care\*.

\* Non-reimbursable services under Medicaid.

(rev. 7/14/98)

ATTACHMENT 4.19-A

### VIII. PUBLIC PROCESS

The State has in place a public process which complies with the requirements of Section 1902(a)(13)(A) of the Social Security Act.

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TN No. 98-005

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Approval Date 10/20/98 Effective Date 7/01/98

TN No. 94-006

## INFORMATION PRACTICES

92-71

### Note

Chapter 422 referred to in text is repealed.

§92-29 AMENDED. "Public records" changed to "government records".  
L 1991, c 145, §2.

### [PART IV. NOTICE OF PUBLIC HEARINGS]

[§92-41] Publication of legal notices.

#### Attorney General Opinions

Notices must be published in a county newspaper and a newspaper with statewide circulation. Att. Gen.  
Op. 89-4.

### PART V. PUBLIC RECORDS

§§92-50 to 52 REPEALED. L 1988, c 262, §3.

### [PART VI. GENERAL PROVISIONS]

[§92-71] Political subdivision of the State; applicability.

#### Attorney General Opinions

Interpretation of "board" as excluding county council would be inconsistent with this section. Att. Gen.  
Op. 86-5.

## CHAPTER 92E FAIR INFORMATION PRACTICE (CONFIDENTIALITY OF PERSONAL RECORD)

REPEALED. L 1988, c 262, §4.

## [CHAPTER 92F] UNIFORM INFORMATION PRACTICES ACT (MODIFIED)

### PART I. GENERAL PROVISIONS AND DEFINITIONS

#### SECTION

- 92F-1 SHORT TITLE
- 92F-2 PURPOSES; RULES OF CONSTRUCTION
- 92F-3 GENERAL DEFINITIONS
- 92F-4 FUNDING, SERVICES, AND OTHER FEDERAL ASSISTANCE

### PART II. FREEDOM OF INFORMATION

- 92F-11 AFFIRMATIVE AGENCY DISCLOSURE RESPONSIBILITIES
- 92F-12 DISCLOSURE REQUIRED
- 92F-13 GOVERNMENT RECORDS; EXCEPTIONS TO GENERAL RULE
- 92F-14 CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY
- 92F-15 JUDICIAL ENFORCEMENT
- 92F-15.5 ALTERNATIVE METHOD TO APPEAL A DENIAL OF ACCESS
- 92F-16 IMMUNITY FROM LIABILITY
- 92F-17 CRIMINAL PENALTIES
- 92F-18 AGENCY IMPLEMENTATION

## 92F-1

## PUBLIC PROCEEDINGS AND RECORDS

### 92F-19 LIMITATIONS ON DISCLOSURE OF GOVERNMENT RECORDS TO OTHER AGENCIES

#### PART III. DISCLOSURE OF PERSONAL RECORDS

- 92F-21 INDIVIDUAL'S ACCESS TO OWN PERSONAL RECORD
- 92F-21.5 REPEALED
- 92F-22 EXEMPTIONS AND LIMITATIONS ON INDIVIDUAL ACCESS
- 92F-23 ACCESS TO PERSONAL RECORD; INITIAL PROCEDURE
- 92F-24 RIGHT TO CORRECT PERSONAL RECORD; INITIAL PROCEDURE
- 92F-25 CORRECTION AND AMENDMENT; REVIEW PROCEDURES
- 92F-26 RULES
- 92F-27 CIVIL ACTIONS AND REMEDIES
- 92F-27.5 ALTERNATIVE METHOD TO APPEAL A DENIAL OF ACCESS
- 92F-28 ACCESS TO PERSONAL RECORDS BY ORDER IN JUDICIAL OR ADMINISTRATIVE PROCEEDINGS;  
ACCESS AS AUTHORIZED OR REQUIRED BY OTHER LAW

#### PART IV. OFFICE OF INFORMATION PRACTICES; DUTIES

- 92F-41 OFFICE OF INFORMATION PRACTICES
- 92F-42 POWERS AND DUTIES OF THE OFFICE OF INFORMATION PRACTICES

#### Cross References

Access/legislative information service, see chapter 21D.

## PART I. GENERAL PROVISIONS AND DEFINITIONS

**[§92F-1] Short title.** This chapter shall be known and may be cited as the Uniform Information Practices Act (Modified). [L 1988, c 262, pt of §1]

**[§92F-2] Purposes; rules of construction.** In a democracy, the people are vested with the ultimate decision making power. Government agencies exist to aid the people in the formation and conduct of public policy. Opening up the government processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest. Therefore the legislature declares that it is the policy of this State that the formation and conduct of public policy—the discussions, deliberations, decisions, and action of government agencies—shall be conducted as openly as possible.

The policy of conducting government business as openly as possible must be tempered by a recognition of the right of the people to privacy, as embodied in section 6 and section 7 of Article I of the Constitution of the State of Hawaii.

This chapter shall be applied and construed to promote its underlying purposes and policies, which are to:

- (1) Promote the public interest in disclosure;
- (2) Provide for accurate, relevant, timely, and complete government records;
- (3) Enhance governmental accountability through a general policy of access to government records;
- (4) Make government accountable to individuals in the collection, use, and dissemination of information relating to them; and
- (5) Balance the individual privacy interest and the public access interest, allowing access unless it would constitute a clearly unwarranted invasion of personal privacy. [L 1988, c 262, pt of §1]

**[§92F-3] General definitions.** Unless the context otherwise requires, in this chapter:

“Agency” means any unit of government in this State, any county, or any combination of counties; department; institution; board; commission; district; coun-

cil; bureau; office; governing authority; other instrumentality of state or county government; or corporation or other establishment owned, operated, or managed by or on behalf of this State or any county, but does not include the nonadministrative functions of the courts of this State.

"Government record" means information maintained by an agency in written, auditory, visual, electronic, or other physical form.

"Individual" means a natural person.

"Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

"Personal record" means any item, collection, or grouping of information about an individual that is maintained by an agency. It includes, but is not limited to, the individual's education, financial, medical, or employment history, or items that contain or make reference to the individual's name, identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. [L 1988, c 262, pt of §1]

[§92F-4] **Funding, services, and other federal assistance.** Where compliance with any provision of this chapter would cause an agency to lose or be denied funding, services, or other assistance from the federal government, compliance with that provision shall be waived but only to the extent necessary to protect eligibility for federal funding, services, or other assistance. [L 1992, c 118, §1]

## PART II. FREEDOM OF INFORMATION

[§92F-11] **Affirmative agency disclosure responsibilities.** (a) All government records are open to public inspection unless access is restricted or closed by law.

(b) Except as provided in section 92F-13, each agency upon request by any person shall make government records available for inspection and copying during regular business hours.

(c) Unless the information is readily retrievable by the agency in the form in which it is requested, an agency shall not be required to prepare a compilation or summary of its records.

(d) Each agency shall assure reasonable access to facilities for duplicating records and for making memoranda or abstracts.

(e) Each agency may adopt rules, pursuant to chapter 91, to protect its records from theft, loss, defacement, alteration, or deterioration and to prevent manifestly excessive interference with the discharge of its other lawful responsibilities and functions. [L 1988, c 262, pt of §1]

**§92F-12 Disclosure required.** (a) Any provision to the contrary notwithstanding, each agency shall make available for public inspection and duplication during regular business hours:

- (1) Rules of procedure, substantive rules of general applicability, statements of general policy, and interpretations of general applicability adopted by the agency;
- (2) Final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases;
- (3) Government purchasing information including all bid results, except to the extent prohibited by section 92F-13;
- (4) Pardons and commutations, as well as directory information concerning an individual's presence at any correctional facility;

- (5) Land ownership, transfer, and lien records, including real property tax information and leases of state land;
  - (6) Results of environmental tests;
  - (7) Minutes of all agency meetings required by law to be public;
  - (8) Name, address, and occupation of any person borrowing funds from a state or county loan program, and the amount, purpose, and current status of the loan;
  - (9) Certified payroll records on public works contracts;
  - (10) Regarding contract hires and consultants employed by agencies: the contract itself, the amount of compensation, the duration of the contract, and the objectives of the contract;
  - (11) Building permit information within the control of the agency;
  - (12) Water service consumption data maintained by the boards of water supply;
  - (13) Rosters of persons holding licenses or permits granted by an agency that may include name, business address, type of license held, and status of the license;
  - (14) The name, compensation (but only the salary range for employees covered by or included in chapters 76, 77, 297, or bargaining unit (8)), job title, business address, business telephone number, job description, education and training background, previous work experience, dates of first and last employment, position number, type of appointment, service computation date, occupational group or class code, bargaining unit code, employing agency name and code, department, division, branch, office, section, unit, and island of employment, of present or former officers or employees of the agency; provided that this provision shall not require the creation of a roster of employees; and provided further that this provision shall not apply to information regarding present or former employees involved in an undercover capacity in a law enforcement agency;
  - (15) Information collected and maintained for the purpose of making information available to the general public; and
  - (16) Information contained in or compiled from a transcript, minutes, report, or summary of a proceeding open to the public.
- (b) Any provision to the contrary notwithstanding, each agency shall also disclose:
- (1) Any government record, if the requesting person has the prior written consent of all individuals to whom the record refers;
  - (2) Government records which, pursuant to federal law or a statute of this State, are expressly authorized to be disclosed to the person requesting access;
  - (3) Government records pursuant to a showing of compelling circumstances affecting the health or safety of any individual;
  - (4) Government records requested pursuant to an order of a court;
  - (5) Government records pursuant to a subpoena from either house of the state legislature; and
  - (6) Information from the motor vehicle registration files, provided that the person requesting such files shall have a legitimate reason as determined by rules. [L 1988, c 262, pt of §1; am L 1989, c 160, §3; am L 1991, c 167, §1; am L 1992, c 185, §1]

**[§92F-13] Government records; exceptions to general rule.** This chapter shall not require disclosure of:



- (1) Government records which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy;
- (2) Government records pertaining to the prosecution or defense of any judicial or quasi-judicial action to which the State or any county is or may be a party, to the extent that such records would not be discoverable;
- (3) Government records that, by their nature, must be confidential in order for the government to avoid the frustration of a legitimate government function;
- (4) Government records which, pursuant to state or federal law including an order of any state or federal court, are protected from disclosure; and
- (5) Inchoate and draft working papers of legislative committees including budget worksheets and unfiled committee reports; work product; records or transcripts of an investigating committee of the legislature which are closed by rules adopted pursuant to section 21-4 and the personal files of members of the legislature. [L 1988, c 262, pt of §1]

[§92F-14] Clearly unwarranted invasion of personal privacy. (a) Disclosure of a government record shall not constitute a clearly unwarranted invasion of personal privacy if the public interest in disclosure outweighs the privacy interests of the individual.

(b) The following are examples of information in which the individual has a significant privacy interest:

- (1) Information relating to medical, psychiatric, or psychological history, diagnosis, condition, treatment, or evaluation, other than directory information while an individual is present at such facility;
- (2) Information identifiable as part of an investigation into a possible violation of criminal law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;
- (3) Information relating to eligibility for social services or welfare benefits or to the determination of benefit levels;
- (4) Information in an agency's personnel file, or applications, nominations, recommendations, or proposals for public employment or appointment to a governmental position, except information relating to the status of any formal charges against the employee and disciplinary action taken or information disclosed under section 92F-12(a)(14);
- (5) Information relating to an individual's nongovernmental employment history except as necessary to demonstrate compliance with requirements for a particular government position;
- (6) Information describing an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or credit worthiness;
- (7) Information compiled as part of an inquiry into an individual's fitness to be granted or to retain a license, except:
  - (A) The record of any proceeding resulting in the discipline of a licensee and the grounds for discipline;
  - (B) Information on the current place of employment and required insurance coverages of licensees; and
  - (C) The record of complaints including all dispositions; and
- (8) Information comprising a personal recommendation or evaluation. [L 1988, c 262, pt of §1]

**§92F-15 Judicial enforcement.** (a) A person aggrieved by a denial of access to a government record may bring an action against the agency at any time within two years after the agency denial to compel disclosure.

(b) In an action to compel disclosure the circuit court shall hear the matter de novo. Opinions and rulings of the office of information practices shall be admissible. The circuit court may examine the government record at issue, in camera, to assist in determining whether it, or any part of it, may be withheld.

(c) The agency has the burden of proof to establish justification for non-disclosure.

(d) If the complainant prevails in an action brought under this section, the court shall assess against the agency reasonable attorney's fees and all other expenses reasonably incurred in the litigation.

(e) The circuit court in the judicial circuit in which the request for the record is made, where the requested record is maintained, or where the agency's headquarters are located shall have jurisdiction over an action brought under this section.

(f) Except as to cases the circuit court considers of greater importance, proceedings before the court, as authorized by this section, and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way. [L 1988, c 262, pt of §1; am L 1989, c 192, §3]

**§92F-15.5 Alternative method to appeal a denial of access.** (a) When an agency denies a person access to a government record, the person may appeal the denial to the office of information practices in accordance with rules adopted pursuant to section 92F-42(12). A decision to appeal to the office of information practices for review of the agency denial shall not prejudice the person's right to appeal to the circuit court after a decision is made by the office of information practices.

(b) If the decision is to disclose, the office of information practices shall notify the person and the agency, and the agency shall make the record available. If the denial of access is upheld, in whole or in part, the office of information practices shall, in writing, notify the person of the decision, the reasons for the decision, and the right to bring a judicial action under section 92F-15(a). [L 1989, c 192, §1]

**[§92F-16] Immunity from liability.** Anyone participating in good faith in the disclosure or nondisclosure of a government record shall be immune from any liability, civil or criminal, that might otherwise be incurred, imposed or result from such acts or omissions. [L 1988, c 262, pt of §1]

**[§92F-17] Criminal penalties.** (a) An officer or employee of an agency who intentionally discloses or provides a copy of a government record, or any confidential information explicitly described by specific confidentiality statutes, to any person or agency with actual knowledge that disclosure is prohibited, shall be guilty of a misdemeanor, unless a greater penalty is otherwise provided for by law.

(b) A person who intentionally gains access to or obtains a copy of a government record by false pretense, bribery, or theft, with actual knowledge that access is prohibited, or who intentionally obtains any confidential information by false pretense, bribery, or theft, with actual knowledge that it is prohibited [by] a confidentiality statute, shall be guilty of a misdemeanor. [L 1988, c 262, pt of §1]

**§92F-18 Agency implementation.** (a) Each agency shall:

(1) Issue instructions and guidelines necessary to effectuate this chapter; and